

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION NO : 5796 of 1994

Between:

1. Rasheed Ahmed, Proprietor, S/o Abdul Sulem, aged 57 yrs, Shama Beedi Factory, L.B.Nagar, Warangal, Warangal District,
2. P.Srinivas, Commission Agent S/o Venkat Rao, aged 52 years, for Shama Beedi Factory (Rc.No.404), H.No.17-7-79, Urse, Warangal, Warangal District.

..... PETITIONERS

AND

1. The Assistant Labour Officer, Warangal-II, Warangal,
Warangal District.
2. The Authority under Minimum Wages Act, 1948 & Assistant
Commissioner of Labour, Warangal-II, Warangal,
Warangal District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction especially one in the nature of Writ of Certiorari calling for the records in Minimum Wages Case No.21 of 1993 and the order dated 26.2.1994 passed in the above case, in file NO.A2/284/94 on the file of the Court of the Authority under the Minimum Wages Act, 1948 & Assistant Commissioner of Labour, Warangal-II and quash the same.

Counsel for the Petitioner: MR.M.SURENDER RAO

For the Respondents: GP FOR SOCIAL WELFARE & LABOUR

The Court made the following :

ORDER :

This Writ Petition is filed challenging the order, dated 26.2.1994 passed by the Authority, under Minimum Wages Act,1948 viz. second respondent in M.W.Case No.21 of 1993, File No.A2/284/94.

2. A claim was filed before the second respondent claiming the difference of wages for the period from 1.9.1992 to 28.2.1993 in respect of (12) beedi rollers and from 1.12.1992 to 28.2.1993 in respect of one beedi roller. The total amount claimed was Rs.3,225/-. However, after notices having been refused, the matter was taken up for enquiry. During the enquiry, it was noticed that the difference of wages were paid to the workers. *In spite of* that, the second respondent on 26.2.1994 imposing penalty of three times compensation passed the impugned order. Assailing the said order, the present Writ Petition is filed.

3. The learned Counsel for the petitioners submits that the difference of minimum wages were already paid as on the date of issuance of notices and the second respondent-authority ought not to have imposed the said penalty.

4. I have heard the learned Government Pleader for Social Welfare & Labour.

5. Inasmuch as, the difference of minimum wages has already been paid as on the date when the matter was taken up, I find that the imposition of penalty is uncalled for. Accordingly, the imposition of penalty as ordered in M.W.Case No.21 of 1993, File No.A2/284/1994, dated 26.2.1994 is set aside.

6. Accordingly, the Writ Petition is allowed. No costs.

G. BIKSHAPATHY, J

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Devinder Gupta, the Chief Justice on this Thursday, the ninth day of September, Two Thousand and Four.

ASSISTANT REGISTRAR

To:

1. The Assistant Labour Officer, Warangal-II, Warangal,
Warangal District.
2. The Authority under Minimum Wages Act, 1948 & Assistant
Commissioner of Labour, Warangal-II, Warangal, Warangal District.
3. 2 CCs to the learned G.P. for Social Welfare, High Court Buildings, Hyd.
4. 2 CD copies.

Dated: 09-09-2004

Ccm/prv